

REMARKS

Claims 1, 9, 11-23, 29, 30, and 33-36 are all the claims presently pending in the application. Applicants have canceled claims 5-8, 24-28, 31, and 32 without prejudice or disclaimer.

In the Board of Patent Appeals and Interferences Decision dated January 4, 2010 (hereinafter "Decision") the Board reversed the rejection of claims 1, 14-16, 31, and 32 under 35 U.S.C. § 101 as allegedly being inoperative and lacking utility and the rejection of claims 31-36 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Furthermore, the Board reversed the rejection of claims 1, 9, 11-23, 29, 30, and 33-36 under 35 U.S.C. 103(a) as being unpatentable over Borza (U.S. Patent No. 6,446,210) in view of Kharon (U.S. Patent No. 6,487,662).

The Board, however, maintained the rejection of claims 5-8, 24-28, 31, and 32 under 35 U.S.C. 103(a) as being unpatentable over Borza (U.S. Patent No. 6,446,210) in view of Kharon (U.S. Patent No. 6,487,662).

During a telephone interview with the Examiner conducted after receipt of the Decision, the Examiner indicated to Applicants' representative that Applicants could file an Amendment canceling claims 5-8, 24-28, 31, and 32 to place the Application in condition for immediate allowance.

Accordingly, and merely in an effort to expedite allowance of the Application, Applicants have amended cancelled claims 5-8, 24-28, 31, and 32 from further consideration in this application, without prejudice or disclaimer. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable

subject matter noted by the examiner. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

In view of the foregoing, Applicants submit that claims 1, 9, 11-23, 29, 30, and 33-36, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants respectfully request the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Applicants hereby authorize the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

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